

ENGEL et al. -- Appln. No. 08/468,145

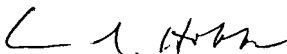
application was filed on June 6, 1995. Therefore, the '145 patent did not become a publication until after the filing date of the present application. Withdrawal of the 35 USC § 102(b) rejection is respectfully requested.

Second, Applicants note that the present application is a continuation-in-part of application no. 08/198,037, in which the relevant disclosure can be found. The '037 application was filed on February 22, 1994. Attached is a copy of the '037 specification and claims as filed with the relevant disclosure indicated (see page 5, lines 10-18, page 8, lines 5-20 and page 10, claims 1-3). Applicants respectfully submit that the disclosure supports a priority date of February 22, 1994, and therefore antedates the '145 patent for the purposes of 35 USC § 102(e). Withdrawal of the rejection is accordingly requested.

All rejections having been addressed, it is respectfully submitted that this application is in condition for allowance, and Notice to that effect is respectfully requested.

Respectfully submitted,

CUSHMAN DARBY & CUSHMAN  
Intellectual Property Group of  
Pillsbury Madison & Sutro, LLP

By   
Ann S. Hobbs, Ph.D.  
Reg. No. 36,830  
Tel: (202) 861-3063

1100 New York Avenue  
Ninth Floor  
Washington, D.C. 20005